IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7002 OF 2004

Dadaji M. Patil ... Petitioner

versus

Smt. Kausabai B. Patil & ors. ... Respondents

...

Mr. N.R. Bubna, for the Petitioner.

...

CORAM : A.M.KHANWILKAR,J.

3rd September 2004

P.C.:

. Mr. Bubna for the Petitioner fairly points out that the present writ petition takes exception to the interlocutory order passed by the appellate Court. He further points out that now the appellate Court has finally disposed of an application for condonation of delay in filing the appeal, which decision has gone against the Petitioner. According to him, therefore, the Petitioner will have to now question the correctness of the said decision and only then the Petitioenr would be able to persuade this

Court for interim orders. He seeks liberty to withdraw the present writ petition with leave to the Petitioners to urge all points urged in this writ petition in the proposed writ petition to be filed against the order passed on the application for condonation of delay in filing the appeal and also to pray for necessary interim relief, which is prayed in the present writ petition. The request seems to be reasonable. In the circumstances, this petition is dismissed as withdrawn with liberty to the Petitioner as prayed.

(A.M.KHANWILKAR,J.)